(1954) Department.

SERIES.

G.O. No. 484

Dated 1-3-49

[Despatch Abstract.]

Mys - Stamp Manual - Standing order No.129-A - Amendments - Approv

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
MS	1849	Rev	28.6.32				

GOVERNMENT OF MADRAS
Revenue Department.
G.O.(Ms.)No.484, dated 1st March

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ABSTRACT

Stamps - Stamp Manual - Standing Order No.129-A - Amendments- Approved -

READ:-

G.O.No.1534, Local Administration dated 10-8-1948.
From the Board of Revenue, Ref.L.5879/48-2, dated 22-12-1948.

O R D E R:

The Government approve the draft amendments to S.O.129-A and Appendices I and II to the Madras Stamp Manual submitted by the Board of Revenue with its reference read above, subject to the slight modifications made in them. The draft amendments as modified by the Government are annexed to this order. The Board is requested to issue necessary correction slips to the Madras Stamp Manual.

2. Separate orders will be issued from the Education and Public Health making suitable amendments to the Madras Amendment to the Madras Stationery Manual.

(By Order of His Excellency the Governor)

x x x x,
Secretary to Government

To
The Board of Revenue.
The Inspector-General of Registration.
The Local Administration Department.
The Education & P.H. Deptt.

ANNEXURE.
Amendment:
XXXXXXXXXXXX

Amendments to Standing Order 129-A of the Madras Stamp Manual.'

"129-A. The following terms and expressions with their definitions, as used in the Madras Local Authorities (Duty on transfer of proeity) Rules, 1948 are extracted hereunder, for guidance.

i) "Government" means the Government of Madras.
ii) "instrument" means an instrument of Sale, Gift or Mortgage with possession of immoveable property on which transfer duty is leviable under section 135 of the Madras City Municipal CAct, 1919 or Section 116-A. of the Madras District Municipalities Act, 1920 or section 110-A. of the Madras Local Boards Act, 1920 as the case may be.

iii) 'Local authority' means the Corporation of Madras, or a municipal Council or a local board asthe case may be.

iv) 'Stamp Act', means the Indian Stamp Act, 1899 as in force in the Province of Madras; and

v) 'Transfer duty' means the duty on transfers of property leviable under section 135 of the Madras City Municipal Act, 1919 or Section 116.A. of the Madras District Municipalities Act, 1920 or Section 110-A. of the Madras Local Board's Act, 1920 as the case may be;

The transfer duty leviable under section 135 of the Madras City Municipal Act, 1919 is 5 per cent on the amount of consideration set forth in the instrument while the duty leviable under section 116-A. of the Madras District Municipalities Act 1920 on section 110-A of the "

~~of the Madras~~ District Municipalities Act 1920 is 4 per cent on the amount of consideration set forth in the instrument.

The following procedure is prescribed in regard to the levy and collection of this duty:--

(a) This transfer duty shall be paid and recovered in the same way and under the same procedure as ordinary stamp duty. All the provisions of the Stamp Act and the Rules made thereunder shall, so far as may be, apply in relation to the transfer duty as they apply in relation to the duty chargeable under the said Act.

(b)(1) Whenever any instrument is presented for registration to any registering officer, he shall see whether the particulars referred to in section 27 of the Stamp Act are set forth in the instrument separately as required by the said section 27 read with section 136(a) of the Madras City Municipal Act, 1919, or section 116.B(a) of the Madras District Municipalities Act, 1920, or section 110-B(a) of the Madras Local Boards Act, 1920, as the case may be and shall also ensure that the local authority within whose jurisdiction the property concerned is situated, is set forth clearly in the instrument.

(ii) If the said particulars be not so separately set forth in the instrument, the registering officer must impound it and forward it to the Collector, calling his attention to section 64 of the Stamp Act, read with section 136(b) of the Madras City Municipal Act, 1919, or section 116.B(b) of the Madras District Municipalities Act, 1920, or section 110-B(b) of the Madras Local Boards Act, 1920, as the case may be.

(c)(i) In the case of instruments which do not come into the hands of the registering officers owing to the fact that they are not compulsorily registrable under section 17 of the Indian Registration Act, 1908, the Collector before whom any such instrument is produced under section 31 or 41 of the Stamp Act or who impounds any such instrument ~~is produced~~ under section 33 of the said Act, or receives a certificate of the duty and penalty paid in respect of any such instrument or the original of any such instrument under section 38 of that Act, shall keep an account of the duty paid in respect of each such instrument showing separately the duty imposed by the Stamp Act and the transfer duty and forward to the District Registrar of Assurances concerned within one month after the close of each quarter, a quarterly consolidated account with particulars in the case of each such instrument regarding the names of the executant and claimant, the date of execution, the nature of the transaction, the amount of consideration, the value of the property or the amount secured by the mortgage, as the case may be, and the description of the property situated within the limits of the City of Madras or of a municipality or under the jurisdiction of a local board or outside such limits or jurisdiction.

(ii) If in any case it is impossible to recover the full duty payable on any instrument then, only such portion of the duty realized on such instrument as is in excess of the duty imposed by the Stamp Act shall be treated in the accounts referred to in this order as transfer duty.

(d) Every Collector who sanctions a refund of the transfer duty paid on any instrument shall forward to the District Registrar of Assurance concerned within one month after the close of each quarter a statement of instruments in respect of which such refunds were sanctioned during the quarter noting therein the amount of the transfer duty refunded and the particulars referred to in sub clause (c) above in respect of each such instrument.

(e) The Accountant-General, Madras, shall within three

contd:-

~~three~~ months after the close of each quarter inthe case of the Corporation of Madras, Municipal Councils, and distric boards and within three months after the close of each half-year in the case of panchayats issue necessary authorization on treasuries for payment to the local authorities concerned the amount payable to them as per intimation by the Inspector-General of Registration. The deductions on accountof collection of the transfer duty shall be credited to the Government".

II. Amendment to Appendices I and II of the Madras Stamp Manual.

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AppendixI:- page 347-348 of the Madras Stamp Manual - Add the following new items at the end of Appendix I.

58.Lvi - Register showing the levy of transfer duty on instruments which are not compulsorily registrable but impounded by the Collectors under section 31, 33, 38 and 41 of the Indian Stamp Act - R.F.XXX.72.

59.Lvii - Statement showing the refund of transfer of duty on instruments made during the quarter-ending..... R.F.XXX 73.

Appendix II:- page 350-351 - Add the following new items at the end.

(1) Quarterly (2) Lvi (3) Register showing the levy of transfer duty on instruments which are not compulsorily registrable but impounded by the Collectors under sec.31, 33, and 41 of the Indian Stamp Act (4) Collector of stamps- (5) concerned Registrar of Assurances (6) one month after the end of the quarter (7) G.O.1534 L.A. dated 10-8-48.

(1) Quarterly (2) Lvii (3) Statement showing the refund of transfer duty on instruments made during the Quarter-ending. . . . . .(4) Collectors of stamps (5) concerned Registrar of Assurances. (6) one month after the end of the Quarter (7) G.O.1534 L.A. dated 10-8-48.

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gs/26-9/

Office Assistant
Madras Record Office

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